

REMARKS

Status of the Claims

Compound claims 1, 2, 5, and 6 remain rejected under 35 U.S.C. 112, first paragraph. All other rejections to the claims have been overcome (November 28, 2005, Advisory Action).

Rejection of Claims under 35 U.S.C. 112, first paragraph

Claims 1, 2, 5, and 6 remain rejected under 35 U.S.C. 112, first paragraph as the Examiner continues to contend that no utility for CCR4 antagonists has been established for the compounds of the instant application. Apparently the Examiner is arguing the 2nd prong under enablement i.e. he is contending that one of skill in the art cannot use the compounds of the instant invention without undue experimentation.

Since the Examiner did not allow entry of a declaration to support utility in the parent case, in the last amendment Applicants argued that, given the information in the specification, one of skill in the art would understand that the CCR4 antagonists of the instant invention would have utility *at least* as probes of CCR4 activity in established models of inflammation and/or immune response including murine asthma models. *See e.g.* Kawasaki, S. et al., *J. Immunol*, 166, pp 2055 (2001); and Wakugawa, M et al., *Drugs News Perspect.* 15(3) pp 175 (2002) (submitted in IDS, November 1, 2005). As required by MPEP 1207 and discussed in the last amendment, this utility is specific, credible and based on the evidence of record by combining information given in the specification and the knowledge of one ordinary skill in the art as represented in the literature of record. Accordingly, Applicants believe the Examiner's continued rejection of this utility in his Advisory Action dated January 18, 2006 fails to present an adequate prima facie case for a rejection based on utility.

However, in order expedite prosecution of the instant claims, Applicants file a Request for Continuing Examination and present a declaration under 35 U.S.C. 1.132 as suggested by the Examiner in an interview (Summary mailed January 10, 2006). The declaration of Dr. John Somerville includes the data obtained upon testing representative compounds of the instant invention in the CEM assay described in the specification (pg 46-48). The submicromolar activity demonstrated by these compounds in this assay confirms the significant CCR4 antagonism demonstrated by the compounds of the present invention. The declaration also presents *in vivo* data obtained in an established murine asthma model that clearly confirms the use of such CCR4

antagonists in treating asthma. Accordingly, Applicants have also added new claim 13 directed to a method of treating asthma that has basis in original (now canceled) claim 8.

For at least the foregoing reasons, Applicants believe the claims, including new claim 13 are enabled and request withdrawal of the enablement rejection of claims 1, 2, 5, and 6 for lack of utility.

Fees


No additional fees should be due, however, if it is determined that an additional fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Summary

Applicants believe the claims are now in condition for allowance. The Examiner is invited to contact the undersigned by telephone, at the number listed below, if it is believed that a telephonic communication would facilitate the prosecution of this application.

Respectfully submitted,

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